

AMENDED IN SENATE APRIL 26, 2001

AMENDED IN SENATE APRIL 19, 2001

SENATE BILL

No. 1178

Introduced by Senator Burton

February 26, 2001

~~An act to amend Section 9880.1 of, and to add Sections 9882.6, 9882.7, 9882.8, 9882.9, 9882.10, and 9882.11 to, the Business and Professions Code, relating to automotive repair. An act relating to automotive repair.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 1178, as amended, Burton. Automotive repair.

Existing law, the Automotive Repair Act, provides for regulation by the Bureau of Automotive Repair in the Department of Consumer Affairs of the registration and licensing of automotive repair dealers.

~~This bill would establish the Quality Automotive Parts Council in the bureau. The bill would require the council to report to the bureau as to whether a certifying entity meets the requirements of an independent third party certifier, as defined. The bill would authorize the chief of the bureau to determine that any crash part certified by an independent third party certifier is recognized by the bureau as of like kind, fit, finish, performance, and quality as an original equipment manufacturer part. The bureau would be required to adopt regulations on the certification process.~~

This bill would require the Department of Consumer Affairs, in consultation with the Department of Insurance and other interested parties, to conduct a study in order to determine the best process for certifying crash parts. The bill would require the study to consider the

appropriate standards or criteria for certifying crash parts and to include a recommendation as to which agency should oversee crash parts certification. The results of this study would be required to be reported to the Legislature by March 1, 2002.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 ~~SECTION 1. Section 9880.1 of the Business and Professions~~
2 ~~SECTION 1. The Department of Consumer Affairs, in~~
3 ~~consultation with the Department of Insurance and other~~
4 ~~interested parties, shall conduct a study in order to determine the~~
5 ~~best process for certifying crash parts. The study shall consider the~~
6 ~~appropriate criteria or standards necessary for certifying crash~~
7 ~~parts and shall include a recommendation regarding the~~
8 ~~appropriate agency to oversee crash parts certification. The~~
9 ~~results of this study shall be reported to the Legislature by March~~
10 ~~1, 2002.~~

11 ~~Code is amended to read:~~

12 ~~9880.1. The following terms as used in this chapter have the~~
13 ~~meaning expressed in this section:~~

14 ~~(a) "Automotive repair dealer" means a person who, for~~
15 ~~compensation, engages in the business of repairing or diagnosing~~
16 ~~malfunctions of motor vehicles.~~

17 ~~(b) "Chief" means the Chief of the Bureau of Automotive~~
18 ~~Repair.~~

19 ~~(c) "Bureau" means the Bureau of Automotive Repair.~~

20 ~~(d) "Council" means the Quality Automotive Parts Council.~~

21 ~~(e) "Certified crash part" means a replacement for any of the~~
22 ~~nonmechanical sheet metal or plastic parts that generally~~
23 ~~constitute the exterior of a motor vehicle, including inner and outer~~
24 ~~panels for which a certification has been issued by an independent~~
25 ~~third party certifier as defined in subdivision (f). All crash parts~~
26 ~~certified shall carry warranties by the manufacturer or distributor~~
27 ~~that are at least equal to warranties for replacement parts that are~~
28 ~~available from original equipment manufacturers.~~

29 ~~(f) "Independent third party certifier" means a certifying~~
30 ~~entity that meets the following criteria:~~

1 ~~(1) It is not owned, operated, maintained, or affiliated with any~~
2 ~~car company or noncar company manufacturer of crash parts.~~

3 ~~(2) It conforms to all generally accepted guidelines for~~
4 ~~independent, third party certification and standard setting~~
5 ~~programs.~~

6 ~~(3) It has adopted written standards containing conditions to be~~
7 ~~fulfilled by a manufacturer of crash parts.~~

8 ~~(4) It tests or contracts with an independent testing~~
9 ~~organization that tests crash parts using suitable equipment and~~
10 ~~techniques.~~

11 ~~(5) It administers its certification program in a~~
12 ~~nondiscriminatory manner regarding any manufacturer or supplier~~
13 ~~or crash parts.~~

14 ~~(6) It provides a system to determine that certified parts are of~~
15 ~~like kind, fit, finish, performance, and quality as original~~
16 ~~equipment manufacturer parts. If a part fails to meet any of the~~
17 ~~above criteria, the independent third party certifier must promptly~~
18 ~~withdraw its certification from that part and promptly advise crash~~
19 ~~part users that certification for this part has been withdrawn.~~

20 ~~(7) It provides mechanisms for quickly receiving inquiries and~~
21 ~~promptly resolving disputes that arise under the program in regard~~
22 ~~to consumers, insurers, or repair shops.~~

23 ~~(8) It provides a method of identifying each certified crash part~~
24 ~~and provides a system of security that guards against misuse of the~~
25 ~~identification.~~

26 ~~(9) It provides updated lists of certified crash parts on at least~~
27 ~~a monthly basis.~~

28 ~~(10) It provides the bureau and the public with an annual report~~
29 ~~stating any developments, problems, or changes relating to~~
30 ~~certification procedures or requirements.~~

31 ~~(g) "Motor vehicle" means a passenger vehicle required to be~~
32 ~~registered with the Department of Motor Vehicles and all~~
33 ~~motoreycles whether or not required to be registered by the~~
34 ~~Department of Motor Vehicles.~~

35 ~~(h) "Repair of motor vehicles" means all maintenance of and~~
36 ~~repairs to motor vehicles performed by an automotive repair dealer~~
37 ~~including automotive body repair work, but excluding those~~
38 ~~repairs made pursuant to a commercial business agreement and~~
39 ~~also excluding repairing tires, changing tires, lubricating vehicles,~~
40 ~~installing light bulbs, batteries, windshield wiper blades and other~~

~~1 minor accessories, cleaning, adjusting, and replacing spark plugs,
2 replacing fan belts, oil, and air filters, and other minor services,
3 which the director, by regulation, determines are customarily
4 performed by gasoline service stations.~~

~~5 No service shall be designated as minor, for purposes of this
6 section, if the director finds that performance of the service
7 requires mechanical expertise, has given rise to a high incidence
8 of fraud or deceptive practices, or involves a part of the vehicle
9 essential to its safe operation.~~

~~10 (i) "Person" includes firm, partnership, association, limited
11 liability company, or corporation.~~

~~12 (j) "Director" means the Director of Consumer Affairs.~~

~~13 (k) "Commercial business agreement" means an agreement,
14 whether in writing or oral, entered into between a business or
15 commercial enterprise and an automobile repair dealer, prior to the
16 repair which is requested being made, which agreement
17 contemplates a continuing business arrangement under which the
18 automobile repair dealer is to repair any vehicle covered by the
19 agreement, but does not mean any warranty or extended service
20 agreement normally given by an automobile repair facility to its
21 customers.~~

~~22 SEC. 2. Section 9882.6 is added to the Business and
23 Professions Code, to read:~~

~~24 9882.6. A Quality Automotive Parts Council is established
25 within the bureau. The council shall advise the chief of the bureau
26 with respect to the procedures, administration, and validity of any
27 entity in the state that purports to certify after-market crash parts
28 as like kind, quality, safety, fit, and performance, as original
29 manufacturer parts.~~

~~30 SEC. 3. Section 9882.7 is added to the Business and
31 Professions Code, to read:~~

~~32 9882.7. Except as otherwise provided in this article, the
33 administration of the council shall be governed by the procedures
34 set forth in Division 1 (commencing with Section 100).~~

~~35 SEC. 4. Section 9882.8 is added to the Business and
36 Professions Code, to read:~~

~~37 9882.8. The council is composed of the chief of the bureau
38 who shall act as chairperson, and one appointee by the Governor,
39 the Insurance Commissioner, the President Pro Tempore of the
40 Senate, and the Speaker of the Assembly.~~

1 ~~SEC. 5. Section 9882.9 is added to the Business and~~
2 ~~Professions Code, to read:~~

3 ~~9882.9. After considering the report of the council, the chief~~
4 ~~of the bureau may determine that any crash part certified by an~~
5 ~~independent third party certifier is recognized by the bureau of like~~
6 ~~kind, fit, finish, performance, and quality as original equipment~~
7 ~~manufacturer parts.~~

8 ~~SEC. 6. Section 9882.10 is added to the Business and~~
9 ~~Professions Code, to read:~~

10 ~~9882.10. The council, in making its report to the bureau, shall~~
11 ~~evaluate whether a certifying entity meets the requirements of an~~
12 ~~independent third party certifier pursuant to subdivision (f) of~~
13 ~~Section 9880.1. In making this determination, the council may~~
14 ~~consider the views of the parts manufacturing, parts distributing,~~
15 ~~automobile repair dealer, insurance, and consumer communities.~~

16 ~~SEC. 7. Section 9882.11 is added to the Business and~~
17 ~~Professions Code, to read:~~

18 ~~9882.11. A certifying entity submitting its certification~~
19 ~~process to the council shall reimburse the council for reasonable~~
20 ~~per diem compensation and travel expenses for council members~~
21 ~~and for administrative expenses related to the certification process.~~
22 ~~The bureau shall adopt regulations necessary to implement this~~
23 ~~process.~~